

## REMARKS

In accordance with the foregoing, claims 1, 3, 5, 8, 13, 15, 19, 23, 24, 26, and 27 have been amended and claims 2, 7, and 14 have been canceled without prejudice or disclaimer. Claims 1, 3-6, 8-13, and 15-27 are pending, with claims 1, 8, 15, 24, and 27 being independent. No new matter is presented in this Amendment After Final Rejection.

### Entry of Amendment After Final Rejection of June 10, 2008

An Amendment After Final Rejection was filed on June 10, 2008, but the Advisory Action of June 19, 2008, does not indicate whether the Amendment After Final Rejection of June 10, 2008, will be entered. However, in the image file wrapper of the application, the Examiner has marked the first page of the Amendment After Final Rejection of June 10, 2008, "OK TO ENTER: /R.T./." Accordingly, please enter the Amendment After Final Rejection of June 10, 2008, before entering the present Amendment After Final Rejection.

### Request for Indication That Replacement Sheet of Drawings Has Been Accepted

A replacement sheet of drawings containing FIGS. 4 and 5 was submitted with the Amendment After Final Rejection of June 10, 2008. However, the Advisory Action of June 19, 2008, does not indicate whether the replacement sheet of drawings has been accepted. Accordingly, it is respectfully requested that the Examiner indicate this in the next Office Action.

### Request for Consideration of Five Information Disclosure Statements

Five Information Disclosure Statements have been filed in the present application on October 2, 2002; January 30, 2003; April 16, 2004; August 2, 2004; and March 30, 2005, and are in the image file wrapper of the application. However, the Examiner has never considered these five Information Disclosure Statements. Accordingly, it is respectfully requested that the Examiner consider these five Information Disclosure Statements in the next Office Action.

Furthermore, should the Examiner determine that any of claims 1, 3-6, 8-13, and 15-27 are unpatentable over any of the references cited in the five Information Disclosure Statements, it is submitted that the Examiner will be required to reopen prosecution and issue a non-final

Office Action applying the relevant reference or references since the five Information Disclosure Statements should have been considered in the first Office Action of August 10, 2005.

The above request was also made on page 11 of the Amendment After Final Rejection of June 10, 2008, but the Examiner did not respond to this request in the Advisory Action of June 19, 2008. During a telephone discussion on July 8, 2008, the Examiner's SPE, Kambiz Zand, told the undersigned attorney that the Examiner had told Mr. Zand that the Examiner had considered the five Information Disclosure Statements. Mr. Zand told the attorney that the PTO's computer records for the application indicate that the five Information Disclosure Statements were considered on May 9, 2007. However, item 12 in the Advisory Action of May 11, 2007, does not indicate that initialed, signed, and dated copies of the Lists of References Cited by Applicant from the Information Disclosure Statements of October 2, 2002; January 30, 2003; April 16, 2004; August 2, 2004; and March 30, 2005, were attached to the Advisory Action of May 11, 2007. Furthermore, such initialed, signed, and dated copies of these Lists of References Cited by Applicant are not in the image file wrapper of the application.

Accordingly, it is respectfully that the Examiner provide initialed, signed, and dated copies of the Lists of References Cited by Applicant from the Information Disclosure Statements of October 2, 2002; January 30, 2003; April 16, 2004; August 2, 2004; and March 30, 2005, with the next Office Action to indicate on the record that the references cited therein have been considered.

Allowable Subject Matter, Claim Amendments, and Entry of Present Amendment After Final Rejection

On page 3 of the Final Office Action of April 10, 2008, the Examiner states as follows:

After closer review of the claims, if the content of claims 2 and 7 are included in claim 1 and in the other independent claims, Examiner would reconsider the allowability if the search of this language does not yield any new references. In the case where Applicant chooses to amend the claims, the amendment would be entered After Final. If willing to amend the claims as stated above, Applicant could contact the Examiner to discuss, [sic] amendments in more detail.

Thus, it appears that the Examiner considers the combination of independent claim 1 and dependent claims 2 and 7 to recite allowable subject matter. The Examiner confirmed this

during a telephone discussion on July 10, 2008, between the Examiner and the undersigned attorney. During a telephone discussion on July 10, 2008, between the Examiner's SPE, Mr. Zand, and the undersigned attorney, Mr. Zand confirmed that an Amendment After Final Rejection amending the claims as suggested by the Examiner in the above statement from page 3 of the Final Office Action of April 10, 2008, will be entered.

Accordingly, although the propriety of the rejections set forth in the Final Office Action of April 10, 2008, is not conceded for the reasons discussed in the Amendment After Final Rejection of June 10, 2008, solely in an effort to eliminate this issue and advance the prosecution of the application, independent claims 1, 8, 15, 24, and 27 (i.e., all of the independent claims) have been amended to include "the content of claims 2 and 7" as suggested by the Examiner.

Dependent claims 2, 7, and 14 have been canceled without prejudice or disclaimer as being redundant in light of the changes made to independent claims 1 and 8 from which claims 2, 7, and 14 directly or indirectly depended.

Dependent claims 3 and 5 that previously depended from canceled claim 2 have been amended to depend from independent claim 1.

Dependent claims 13, 19, and 26 have been amended to be consistent with the changes made to independent claims 8, 15, and 24 from which claims 13, 19, and 26 depend.

Independent claim 15, dependent claim 23, and independent claim 24 have been amended to change "said" to "the" to improve their form.

Since independent claims 1, 8, 15, 24, and 27 have been amended to include the allowable subject matter of "the content of claims 2 and 7" as suggested by the Examiner, it is submitted that entry of the present Amendment After Final Rejection is proper under 37 CFR 1.116(b) and MPEP 714.12 and 714.13, and that claims 1, 3-6, 8-13, and 15-27 (i.e., independent claims 1, 8, 15, 24, and 27 discussed above and claims 3-6, 9-13, and 16-23, 25, and 26 depending from claims 1, 8, 15, and 24) are now in condition for allowance.

Claim Rejections Under 35 USC 103(a)

Claims 1, 6, 8, 9, 11-13, 15, and 16 have been rejected under 35 USC 103(a) as being unpatentable over Katz et al. (Katz) (U.S. Patent No. 5,926,624) in view of Kanota et al. (Kanota) (U.S. Patent No. 5,991,500).

Claims 2-5, 7, 19-22, and 26 have been rejected under 35 USC 103(a) as being unpatentable over Katz in view of Kanota and Fuchigami et al. (Fuchigami) (U.S. Patent No. 5,960,398). However, it appears that the Examiner has also included claim 14 in this rejection since the Examiner has provided an explanation of the rejection of claim 14 in paragraph 16 on page 6 of the Final Office Action of April 10, 2008. Also, although an explanation of the rejection of claim 26 does not appear in paragraphs 16-23 on pages 6-8 of the Final Office Action of April 10, 2008, in which the Examiner explains the rejection of claims 2-5, 7, and 19-22 under 35 USC 103(a) as being unpatentable over Katz in view of Kanota and Fuchigami, an explanation of the rejection of claim 26 does appear in paragraph 32 on page 12 of the Final Office Action of April 10, 2008, following the explanation of the rejection of claim 23 under 35 USC 103(a) as being unpatentable over Katz in view of Kanota, Bersson, and Fuchigami. Thus, it appears that paragraph 32 containing the explanation of the rejection of claim 26 is misplaced and was actually intended to follow paragraph 23 on page 8 of the Final Office Action of April 10, 2008, containing the explanation of the rejection of claim 22.

Claims 17, 18, 24, 25, and 27 have been rejected under 35 USC 103(a) as being unpatentable over Katz in view of Kanota and Bersson (U.S. Patent No. 6,081,897).

Claim 23 has been rejected under 35 USC 103(a) as being unpatentable over Katz in view of Kanota, Bersson, and Fuchigami.

The rejection of claims 2, 7, and 14 is moot since these claims have been canceled in this Amendment After Final Rejection.

The rejections of claims 1, 3-6, 8-13, and 15-27 are moot since these claims have been amended to include the allowable subject matter of "the content of claims 2 and 7" as suggested by the Examiner and are therefore now in condition for allowance as discussed above.

For at least the foregoing reasons, it is respectfully requested that the rejections of claims 1, 3-6, 8-13, and 15-27 under 35 USC 103(a) as being unpatentable over Katz in view of one or more of Kanota, Bersson, and Fuchigami be withdrawn.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

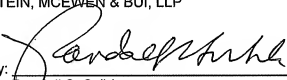
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with the filing of this paper, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 07/10/08

By: 

Randall S. Svihla  
Registration No. 56,273

1400 Eye St., N.W.  
Suite 300  
Washington, D.C. 20005  
Telephone: (202) 216-9505  
Facsimile: (202) 216-9510